

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In re)
CITY OF DETROIT,) Chapter 9
MICHIGAN) Case No.: 13-53846
Debtor.) Hon. Steven W. Rhodes
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)

***EX PARTE MOTION TO SHORTEN NOTICE OF AND EXPEDITE
HEARING ON CITY OF DETROIT'S MOTION TO OPEN THE RECORD
OF THE HEARING ON CONFIRMATION OF THE CITY'S
PLAN OF ADJUSTMENT ON AUGUST 18, 2014,
FOR THE LIMITED PURPOSE OF ADMITTING THE TESTIMONY
OF AN OTHERWISE UNAVAILABLE KEY WITNESS***

The City of Detroit hereby moves *ex parte* for the entry of an order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the "Local Rules") (a) shortening the notice period with respect to the City's Motion to Open the Record of the Hearing on Confirmation of the City's Plan of Adjustment on August 18, 2014, for the Limited Purpose of Admitting the Testimony of an Otherwise Unavailable Key Witness (the "Motion") so that objections to the Motion, if any, must be filed no later than July 31, 2014, and (b) scheduling a hearing on the Motion, if any objections are

raised, for August 1, 2014 at 10:00 a.m. In support of this *Ex Parte* Motion, the City respectfully states as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order opening the record for the confirmation hearing on August 18, 2014 to permit the Court to hear the live testimony of Robert Cline, one of the City's key expert witnesses.

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion so that objections to the Motion, if any, must be filed no later than July 31, 2014, and (b) scheduling a hearing on the Motion, if any objections are filed, on August 1, 2014 at 10:00 a.m.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its

discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

5. In addition, pursuant to Bankruptcy Rule 9007, “[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.” Fed. R. Bankr. P. 9007.

6. Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

7. As explained more fully in its Motion, Mr. Cline is retiring from Ernst & Young and will be taking a position with the Organisation for Economic Cooperation and Development (the “OECD”) in Paris. The OECD has agreed to delay the start of Mr. Cline’s employment to enable him to testify in this case on August 18-19, but further delay will not be possible. Mr. Cline’s testimony will raise complicated issues of tax revenue and forecasting. The City believes that it is critical that the Court hear Mr. Cline’s testimony live and have the opportunity to ask any clarifying questions that may be necessary.

8. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties registered to receive notice in the above-captioned proceeding.

9. For these reasons, the City submits that cause exists to shorten the notice on the Motion so that objections are due July 31, 2014 and to schedule a hearing on the Motion, if necessary, for August 1, 2014, at 10:00 a.m.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: July 30, 2014

Respectfully submitted,

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**ATTORNEYS FOR THE CITY OF
DETROIT**

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In re)
CITY OF DETROIT,) Chapter 9
MICHIGAN) Case No.: 13-53846
Debtor.) Hon. Steven W. Rhodes
)
)

**ORDER GRANTING CITY'S *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING**

This matter coming before the Court on the City of Detroit's *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to the City's Motion to Open the Record of the Hearing on Confirmation of the City's Plan of Adjustment on August 18, 2014, for the Limited Purpose of Admitting the Testimony of an Otherwise Unavailable Key Witness (the "Motion"),¹ the Court having reviewed the Motion; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; having determined after due deliberation that

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

the relief requested in the Motion is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. Objections to the Debtor's Motion shall be filed no later than July 31, 2014.
3. If any objection is filed, a hearing with respect to the Debtor's Motion shall be held on August 1, 2014, at 10:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in Courtroom ___, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.